N THE MATTER OF THE APPLICATION OF COUNTY BOARD OF APPEALS JOSEPH PRESCIMONE FOR A ZONING VARIANCE ON PROPERTY LOCATED AT THE INTERSECTION OF SOUTHEAST R/W OF DILLON HEIGHTS AVE BALTIMORE COUNTY WITH RAMP D OF BELTWAY I-695 1st ELECTION DISTRICT CASE NO. 88-406-A 1st COUNCILMANIC DISTRICT OPINION This case comes before this Board on appeal from a denial of a zoning variance by the Zoning Commissioner dated May 13, 1988. The record will indicate that the case was called at 10:35 a.m. on the assigned date. Mr. John Uhler and his mother, Mrs. Elizabeth Uhler, and Mrs. Josephine Gerberg, Protestants, were present in the hearing room. Mr. Joseph Prescimone, the Petitioner, was not present. The Board has had no communications with Mr. Prescimone regarding his absence. There were no attorneys present for either party. Under these circumstances, it is encumbent upon the Board to dismiss the appeal for lack of appearance and will do so. It is therefore this 16th day of November , 1988 by the County Board of Appeals of Baltimore County ORDERED that the appeal taken in Case No. 88-406-A be and the same is DISMISSED due to lack of appearance. Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure. COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY William T. Hackett, Chairman #251 PETITION FOR ZONING VARANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B 62- 3-C-1 To allow a front setback of 18 feet, a rear setback of 7 feet and a side setback of 5 feet in lieu of the required 25 feet, 30 feet, and 10 feet setbacks respectively. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Owner Desires to construct a dwelling on proposed lot 3 which adjoins Dillon Heights Avenue. Current zoning regulations severely restrict the size of the dwelling that may be constructed. Property is to be posted and advertised as prescribed by Zoning Regulations. bove Variance advertising, posting, etc., upon filing of this be bound by the zoning regulations and restrictions of e Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Joseph Prescimone (Type or Print Name) (Type or Print Name) 1822 Arbutus Ave. 242-8016 Phone No. Baltimore, Maryland 21227 City and State Name, address and phone number of legal owner con-HEREX PERCHASER or representative to be contacted

John C. Mellema, Sr. Inc.

6100 Baltimore National Pike 744-8880

Address Baltimore, Maryland 21228

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of ______, 19_____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Raltimore

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE Intersection of SE R/W of Dillon Heights Avenue with ZONING COMMISSIONER Ramp D of Beltway I-695 lst Election District OF BALTIMORE COUNTY 1st Councilmanic District Case No. 88-406-A Joseph Prescimone Petitioner MEMORANDUM AND ORDER The Petitioner herein requests variances to permit a front yard setback of 18 feet, a rear yard setback of 7 feet, and a side yard setback of 5 feet, in lieu of the required 25 feet, 30 feet, and 10 feet respectively, for a proposed building lot, all as more particularly described in Petitioner's Exhibit 1. The Petitioner appeared and testified. Also appearing on behalf of the Petition were Patrick A. Simon, David C. Mahan, and Guilford E. Hoff. Mr. & Mrs. John H. Uhler, Jr. and Ms. Josephine V. Gerberg appeared as Protestants. Based upon the testimony and evidence presented at the hearing, in the dpinion of the Zoning Commissioner the relief requested insufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations .C.Z.R.) and therefore should be denied. It is clear that the subject properis a victim of overdevelopment. It is equally clear that the location of the oposed lot would create a traffic hazard and as such, the requested variances ould adversely affect the health, safety, and/or general welfare of the public. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested vari-THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of May, 1988 that the Petition for Zoning Variance to permit a front yard setback of 18 feet, a rear yard setback of 7 feet, and a side yard setback of 5 feet, in lieu of the required 25 feet, 30 feet, and 10 feet respec-

JOHN C. MELLEMA SR. INC.

LAND SURVEYORS

DECEMBER 31, 1987

PRESCIMONE VARIANCE DESCRIPTION

BEGINNING for the same at the intersection of the

southeast right-of-way of Dillon Heights Avenue with

the western right-of-way of Interstate 695, (Ramp D) as

shown on State Roads Commission Plat No. 40157; thence

binding on said western right-of-way of Interstate 695,

South 19 degrees 51 minutes 59 seconds East, a distance

of 130.13 feet, thence with said western right-of-way of Interstate 695 (Ramp D) South 15 degrees 54 minutes

leaving said right-of-way for a new line of division North 64 degrees 32 minutes 41 seconds West a distance

degree 04 minute West, 141.5 foot line as described in

Arold and John T. Arold, to John H. Uhler and Elizabeth

L. Uhler, his wife and recorded among the Land Records

of Baltimore County, Maryland in Liber 5007 folio 528, thence binding on said second line North 25 degrees 25 minutes 34 seconds East 36.00 feet, thence binding on

reversely with said line North 46 degrees 14 minutes 26

of 45.43 feet to intersect the second, or Soul 1 32

a deed dated June 24, 1969, and conveyed by Thelma

the first line of aforementioned deed and running

seconds West 104.20 feet to intersect the southeast

right-of-way of Dillon Heights Avenue, said right-of-

way recorded on S.R.C. Plat No. 24312, thence binding

on said right-of-way North 25 degrees 25 minutes 34

seconds East 81.70 feet to the point of beginning. Containing 0.1384 acres of land more or less as now

surveyed by John C. Mellema Sr. Inc.

43 seconds East a distance of 78.51 feet, thence

tively, for a proposed building lot, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED. Zoning Commissioner of Baltimore County

Case No. 88-406-A Dear Mr. Prescimone:

Mr. Joseph Prescimone

Baltimore, Haryland 21227

RE: Petition for Zoning Variance

Ramp D of Beltway I-695

1822 Arbutus Avenue

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been Denied in accordance with the attached Order.

May 13, 1988

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

> J. ROBERT HAIRES Zoning Commissioner of Baltimore County

cc: Hr. & Mrs. John H. Uhler, Jr. 1333 Dillon Heights Avenue, Baltimore, Hd. 21227

Intersection of SE R/W of Dillon Heights Avenue with

1st Election District; 1st Councilmanic District

Ms. Josephine V. Gerberg 6603 Johnnycake Road, Baltimore, Md. 21227

People's Counsel

File

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Mandad as follows: Aaryland as follows:

Petition for Zoning Variance Case number: 88-406-A nue & W Ramp of Beltway
1st Election District
1st Councilmanic District
Petitioner(s): Joseph Prescimu Hearing Date: Thursday, April 14, 1988 at 2:00 p.m. Variance to allow a front setback of 18 feet, a rear setback of 7 feet and a In the event that this Petition is

CERTIFICATE OF PUBLICATION

TOWSON, MD., MUCh 24, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 24, 1, 88

THE JEFFERSONIAN.

Gusan Sender Obrect

side serback of 5 feet, in lieu of the required 25 feet, 30 feet, and 10 feet serbacks respectively. granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commis-sioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hear

☐ Owings Mills Flier

☐ Towson Flier

19 88

☐ Arbutus Times

☐ Reporter Weekly

Office of

Publishing Company

10750 Little Patuxent Pkwy

NOTICE OF HEARING

☑ Catonsville Times \$21.83 ☐ Booster Weekly

weekly newspapers published in Baltimore County, Maryland

once a week for <u>one</u> successive weeks before the <u>26 day of March</u> 19 88, that is to

March 24, 1988

say, the same was inserted in the issues of

Columbia, MD 21044

March 29

Date of Posting March 28, 1988 Location of property: Stefcor. R/W Dillion Heighte and Butting.

Location of Signs: 5 to / Low. Dillion Heighte and Butting. return: april 1, 1988

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

THIS IS TO CERTIFY, that the annexed advertisement of was inserted in the following:

NOTICE
OF NEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will held a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Cheapeaste Avenue in Tourson, Maryland at Sollows:

Petition for Zoning Varience Case number: 89-40-A.
SECOR. RND Diston Heights Ave.

& W Ramp of Betweey
1st Election District
1st Councilmenic District
1st Councilmenic District
Petitioner(s):
Joseph Preschanne
THURSDAY, APRIL 14, 1988

AT 2:00 P.M.
Verience to allow a front selection of 18 leat, a rear setback of variance to account of the test and a side suffact of 5 feet, in lieu of the required 25 feet, 30 feet, and 10 feet authorits respectively. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during the period for good cause shows. Such request must be in writing and received in the office by the data of the hearing set above or presented at the base-

A ROBERT HAINES

OF BALTIMORE COUNT

508-C/Mar. 24

Number of Signs:

88-406-A

ESTIMATED LENGTH OF HEARING (-1/24R-

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS (over)

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner

Date: 4/6/88

Mr. Joseph Prescimone 1822 Arbutus Avenue Baltimore, Maryland 21227

> Petition for Zoning Variance Case number: 88-406-A SE/Cor. R/W Dillion Heights Avenue & W Ramp of Beltway 1st Election District - 1st Councilmanic District
> Petitioner(s): Joseph Prescimone
> HEARING SCHEDULED: THURSDAY, APRIL 14, 1988 at 2:00 p.m.

Dear Mr. Prescimone:

Please be advised that 70.58 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before harrisa is sabadulad to hadia

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50486

and post set(s), there for each set not R-01-615-000 AMOUNT \$ 70.58

VALIDATION OR SIGNATURE OF CASHIER

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

Dennis F. Rasmussen
County Executive



NOTICE OF HEARING

FEB. 26 1988

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 83-406-A SE/Cor. R/W Dillion Feights Avenue & W Pamp of Beltway 1st Election District - 1st Councilmanic District Petitioner(s): Joseph Prescisone HEARING SCHEDULED: THURSDAY, APRIL 14, 1988 at 2:00 p.m.

Variance to allow a front setback of 18 feet, a rear metback of 7 feet and a side setback of 5 feet, in lieu of the required 25 feet, 30 feet, and 10 feet setbacks respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County

Baltimore County cc: Mr. Joseph Prescimone Mr. John C. Mellems, Sr., Inc.

J. ROBERT HAINES

Re: 88-406-A

APPROACH FROM DILLON HEIGHTS AVE.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

July 29, 1988

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance Intersection of SE R/W of Dillon Heights Avenue with Ramp D of Beltway I-695 1st Election District, 1st Councilmanic District JOSEPH PRESCIMONE - Petitioner Case No. 88-406-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 21, 1988 by David Mahan on behalf of the Petition. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

Dennis F. Rasmussen

JRH:cer

cc: Mr. David C. Mahan, 8 Woodland Avenue, Severna Park, Md. 21146

Mr. Patrick A. Simon, 6100 Balto. National Pike, Balto., Md. 21228

Mr. Guilford E. Hoff, 5807 Hanna Road, Sykesville, Md. 21784

Mr. & Mrs. John H. Uhler, Jr., 1333 Dillon Heights Avenue Baltimore, Md. 21228

Ms. Josephine V. Gerberg, 6603 Johnnycake Road, Balto., Md. 21228

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204

PROTESTANT'S EXHIBIT 1

Re: 88-406-A

APPROACH FROM JOHNNYCAKE ROAD

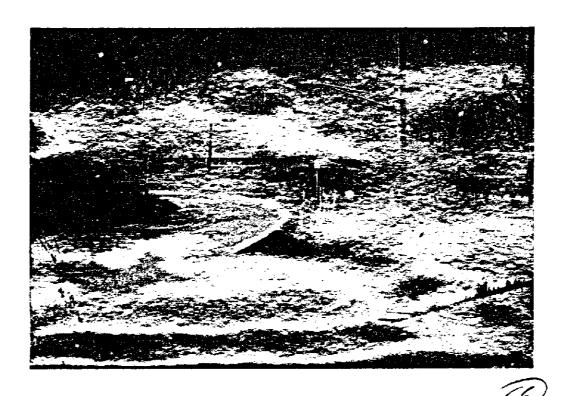






Re: 88-406-A

FRONT PROP. LINE AND CURVE



APPEAL

Petition for Zoning Variance Intersection of SE R/W of Dillon Heights Avenue with Ramp D of Beltway I-695 1st Election District - 1st Councilmanic District JOSEPH PRESCIMONE - Petitioner Case No. 88-406-A

Petition for Zoning Variance

Description of Property Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Plat to accompany Variance Petition Joseph Prescinone property

Protestant's Exhibits: 1.) Nine 3" x 5" photographs of location

2.) Petition signed by homeowners in surrounding area addressing objections to the Zoning Variance.

Zoning Commissioner's Order dated May 13, 1988 (Denied)

Notice of Appeal received June 21, 1988 from David C. Mahan

Mr. David C. Mahan, 8 Woodland Avenue, Severna Park, Md. 21146

Mr. Patrick A. Simon, 6100 Baltimore National Pike, Balto., Md. 21228

Mr. Guilford E. Hoff, 5807 Hanna Road, Sykesville, Md. 21784

Mr. & Mrs. John H. Uhler, Jr., 1333 Dillon Heights Avenue,

Ms. Josephine V. Gerberg, 6603 Johnnycake Road, Balto., Md. 21228

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

•

Request Notification: P. David Fields, Director of Planning & Zoning James Hoswell, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clerk

Re: 88-406-A

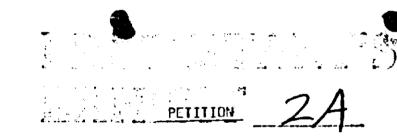
PARKING AREA





EAST SIDE PROP. LINE AND REAR CORNER OF HOUSE





We, the homeowners, on Dillon Heights Avenue, Johnnycake Road, and Willow Spring Avenue object to the zoning variance requested by Mr. Joseph Prescimone in case #88-406-A before the Zoning Commissioner of Baltimore

We feel that the land is too small for a suitable dwelling, and if a sub-standard dwelling is located there it will lower the value of the neighboring properties. In addition, since the land is located on a sharp, nearly blind curve, any resident of this property will become a serious traffic hazard whenever he enters or exits his driveway. Finally, the proposed zoning variance would leave very little clearance (only 5 feet) between the rear corner of the house and the state owned fence bordering the Baltimore Beltway. This lack of clearance would prevent the possible construction of a much need sound barrier between the above mentioned streets and the Baltimore Beltway.

We, the undersigned, therefore petition that the zoning variance requested in case #88-406-A be denied.

DATE NAME ADDRESS SIGNATURE
Slywheth of While

4/5/88 ELIZABETH L. WALER 1333 DILLON HATS AVE

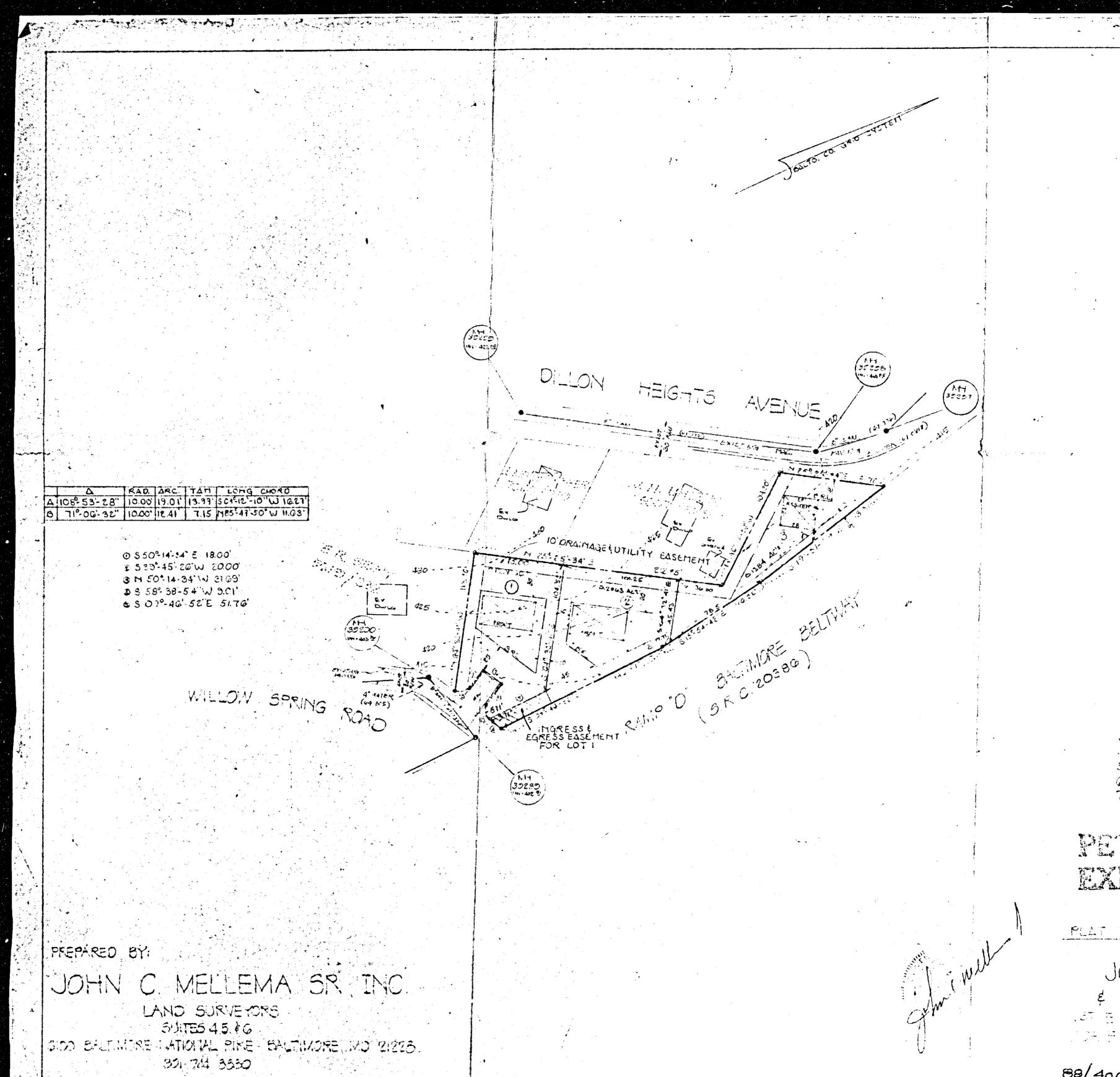
4/5/88 JOHN H. WHIER JE. 1333 DILLON HATS AVE. John H. WILLER 1333 DILLON HATS AVE.

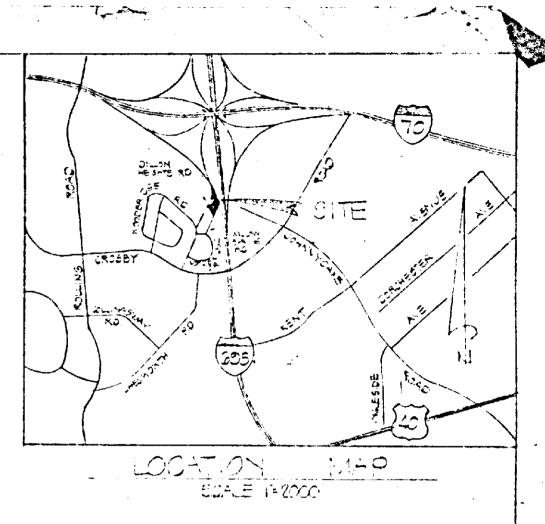
4/5/88 EUGENE J. GERBERG 1330 DILLON HELINGS AVE. Raymond Clingman

4/6/88 RAYMOND L. CLINGHAN 1322 DILLON HATS. AVE. Raymond Clingman

4/12/88 MARILYN L. S-EWCZYK 1327 DILLON HATS. AVE. Mailyn Spwrzyk

4/12/88 Edward N. Szeurzyk 1327 DILLON HATS AVE. Edward Magnetypk





GENERAL MOTES

- I LOT & BEING KMOWN AS PROPOSED LOT & TOPOSEARTY CHOUNT HERECH IS EASED ON THE PHOTOGRANINGTEN WAS OF THE SAUTIMORE COUNTY VERRIPOUTANT AREA
- 3 DEED REFERENCE : 7449/403
- 4. TAX NAP 05 MANCELS 887 \$ 420 5. TAX Acc. # 01-1600011432

DEVELOVE TARE ATIONS

1 EXISTING ZONING DR SIE
2 TOTAL AREA OF VARIET DISSON ALT
3 Nº OF LOTE ALLONED SIE x J.59 : 3 LOTE
4 Nº OF LOTE PERFORMAN VIOENING NA
5 TOTAL AREA OF LOTE DISSON ACT
7. GROSS MESIDENTIAL DENSITY 5.08

PETTONIA 3

PLAT TO ACCOMPANY WARIANCE PETITION

JOSEPH PRESCIMONE & DAVID MAHAN

E BOTTON CRETERIOT BALTHYOPE SO MO DECEMBER 1887

88/406/A.

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of Pebruary , 1988 .

Received by: James E. Dyer
Chairman, Zoning Plans

Advisory Committee

Petitioner Joseph Prescinora Petitioner's Attorney

Baltimore County Fire Department Towson, Maryland 21204-2586

494-4500 Paul H. Reincke Chief

January 20, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Joseph Prescimone

SEC R/W Dillon Heights Avenue and W. Ramp of Beltway (695)

Zoning Agenda: Meeting of 1/26/88

Dennis F. Rasmussen

Item No.: 251

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWE: Att 100 for Approved:

Planning Group

Special Thispection Division

Noted and Approved:

Fire Prevention Bureau

Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Dennis F. Rasmussen

July 29, 1988

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance Intersection of SE R/W of Dillon Heights Avenue with Ramp D of Beltway I-695 1st Election District, 1st Councilmanic District JOSEPH PRESCIMONE - Petitioner Case No. 88-406-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 21, 1988 by David Mahan on behalf of the Petition. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

JkH:cer

Enclosures

cc: Mr. David C. Mahan, 8 Woodland Avenue, Severna Park, Md. 21146

Mr. Patrick A. Simon, 6100 Balto. National Pike, Balto., Md. 21228 Mr. Guilford E. Hoff, 5807 Hanna Road, Sykesville, Md. 21784

Mr. & Mrs. John H. Uhler, Jr., 1333 Dillen Heights Avenue Baltimore, Md. 21228

Ms. Josephine V. Gerberg, 6603 Johnnycake Road, Balto., Md. 21228

People's Counsel, km. 304, County Office Bldg., Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Zoning Commissioner P. David Fields FROM Director of Planning and Zoning Zoning Petition Nos. 88-400-A, 88-402-A, 88-403-A, 88-404-A, SUBJECT_88,405-A, 88-406-A, 88-407-A

Mr. J. Robert Haines

There are no comprehensive planning factors requiring comment on this petition.

March 24, 1988

Charlott Radcliff

Baltimore County

and Zoning

Office of Planning

Towson, Md. 21204

Dear Ms. Radcliff:

dollars to cover the filing fee.

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



8 Woodland Drive

June 5, 1988

Joseph Prescimone and I plan to appeal the ruling on case

Yours truly,

David Mahan

David Mahan

number 88-406-A. Enclosed you will find a check for ninety

Severna Park, Md. 21146

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE April 5, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 2120

Bureau of

Department of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial

Zoning Administration

Traffic Engineering

State Roads Commission

Baltimore, Maryland 21227 Item No. 251 - Case No. 88-406-A Petitioner: Joseph Prescimone

Mr. Joseph Prescimone 1822 Arbutus Avenue

Dear Mr. Prescimone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Petition for Zoning Variance

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Jane E. Dyer/de JAMES E. DYER

> > Zoning Plans Advisory Committee

JED:cer Enclosures

> Land Surveyors Suites 4, 5, & 6 6100 Baltimore National Pike Baltimore, Maryland 21228

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

rebruary 12, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 247, 248, 250, 251, 252, 253, 254, 255 and 256.

Very truly yours Michael S. Flanigan Traffic Engineer Associate II

MSF/pml-b

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

August 3, 1988



Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance Intersection of SE R/W of Dillon Heights Avenue with Ramp D of Beltway I-695 1st Election District, 1st Councilmanic District JOSEPH PRESCIMONE - Petitioner Case No. 88-406-A

Dear Board:

In response to your recent inquiry on the above-captioned case, please be advised that the correct deadline date for filing an appeal in this matter would have been on or about June 13, 1988. However, it has been brought to my attention that the Appellant, David Mahan, was incorrectly quoted a deadline date of June 21, 1988. Obviously this date was well in excess of the 30-day appeal period, however, we accepted his appeal in error.

If you have any further questions on the subject, please do not hesitate to contact me.

> J. ROBERT HAINES for Baltimore County

cc: People's Counsel

Case File 88-406-A

LOT 3 BEING KHOWN R PROPOSED LOT 12. TOPOGRAPHY SHOWN HERECH IS EASED ON THE METROPOCITAN ATSA.

3 DEED REFERENCE . 7449/403 4. TAX MAP 95 PARCELS 337. \$ 420 -5. TAX Acc. # 01-1600011462

5,5 × 0.59 + 3 LOTE

3.LOTS+

I. EXISTING TONING D.5366 Ac.2

Z TOTAL AREA OF PARCEL 3 Nº OF LOTE ALLOWED 4 Nº OF LOTS HAPPOSED 5 TOTAL AREA OF HIGHWAY

G TOTAL AREA OF LOTS T. GROSS RESIDENTIAL DENSITY ...

PETTIONEN'S EXHIBIT: 1

DAVID MAHAN

JRH:cer

JUN 21 1988 ZONING GFFICE

RECENVEN

RE: Case No. 88-406-A Joseph Prescimone

Dear Mr. Mahan:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject

Sincerely,

Tothleen G. C. Eledenhammer Kathleen C. Weidenhammer Administrative Secretary

11/87

cc: Mr. Joseph Prescimone John C. Mellema, Inc. Mr. Patrick A. Simon Mr. Guilford E. Hoff Mr. & Mrs. John H. Uhler Ms. Josephine V. Gerberg P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, County Attorney Century 21 Tabler, Attn: Pepper



County Board of Appeals of Bultimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 494x3180x 887-3180

November 15, 1988

Century 21 Tabler 1036 Circle Drive Sykesville, MD 21784 Attn: Pepper

Kathi Weidenhammer County Board of Appeals

Case No. 88-406-A Joseph Prescimone

> Enclosed are copies of the following documents regarding the subject file:

> > Copy of Petition for Variance · Copy of Zoning Commissioner's Order dated

> > May 13, 1988 (denying variances) • Copy of letter of appeal from David Mahan

When the Board's Order is issued, I'll forward to you a copy of that document as well as the enclosed.

If you have any questions, please call.

Attachments



County Board of Appeals of Baltimore County MRENKESSEE WITH THEME ROOM 315, County Office Building Towson, Maryland 21204

(301) 494-3180

August 16, 1988

Mr. John Uhler, Jr. 1333 Dillon Heights Avenue Baltimore, MD 21228

> RE: Case No. 88-406-A Joseph Prescimone

Dear Mr. Uhler:

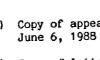
Encls.

In response to your telephone request this afternoon, enclosed are the following:

1) Copy of appeal letter from David Mahan dated

2) Copy of letter from J. Robert Haines to Board of Appeals dated August 3, 1988

3) Copy of Council Bill No. 59-79 which sets forth the Rules of Practice and Procedure as contained in the Baltimore County Code and also in the appendix of the Zoning Regulations.



If you have any questions regarding the enclosures or this case in general, please call this office.

Sincerely.

Kathleen C. Weidenhammer Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House Toluson, Maryland 21204 (301) 494-3180

HEARING ROOM #218

August 18, 1988 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

JOSEPH PRESCIMONE CASE NO. 88-406-A

> Intersection of SE R/W of Dillon Hgts. Ave. with ramp D of Beltway I-695

1st E. District

Variance - Setbacks

5/13/88 - Zoning Variance Denied by Z.C. WEDNESDAY, NOVEMBER 2, 1988, at 10 a.m.

ASSIGNED FOR:

Petitioner cc: Joseph Prescimone

John C. Mellema, Sr., Inc.

David Mahan

Patrick Simon

Guilford Hoff

Mr. and Mrs. John Uhler, Jr.

Josephine Gerberg

Reople's Counsel out pur Shing less "ar

David Fields J. Robert Haines Zoning Ann Nastarowicz James Dyer Docket Clerk

Arnold Jablon, County Attorney

June Holmen, Secretary

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

11/87

J. Robert Haines

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

JOSEPH PRESCIMONE - Petitioner

RE: Petition for Zoning Variance Intersection of SE R/W of Dillon Heights Avenue with Ramp D of Beltway I-695 1st Election District, 1st Councilmanic District

Dear Board:

Case No. 88-406-A

Please be advised that an appeal of the above-referenced case was filed in this office on June 21, 1988 by David Mahan on behalf of the Petition. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office

> J. ROBERT HAINES Zoning Commissioner

July 29, 1988

JRH:cer

Enclosures

cc: Mr. David C. Mahan, 8 Woodland Avenue, Severna Park, Md. 21146

Mr. Patrick A. Simon, 6100 Balto. National Pike, Balto., Md. 212

Mr. Guilford E. Hoff, 5807 Hanna Road, Sykesville, Md. 21784

Mr. & Mrs. John H. Uhler, Jr., 1333 Dillon Heights Avenue Baltimore, Md. 21228

Ms. Josephine V. Gerberg, 6603 Johnnycake Road, Balto., Md. 212

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 212

HEARING ROOM #218

County Board of Appeals of Baltimore County Room 200 Court House

> Towson, Maruland 21204 (301) 494-3180 August 18, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-406-A

ASSIGNED FOR:

JOSEPH PRESCIMONE

Intersection of SE R/W of Dillon Hgts. Ave. with ramp D of Beltway I-695

Variance - Setbacks

5/13/88 - Zoning Variance Denied by Z.C. WEDNESDAY, NOVEMBER 2, 1988, at 10 a.m.

1st E. District

cc: Joseph Prescimone Petitioner John C. Mellema, Sr., Inc.

David Mahan

Guilford Hoff Mr. and Mrs. John Uhler, Jr.

Josephine Gerberg People's Counsel

Patrick Simon

David Fields J. Robert Haines Ann Nastarowicz James Dyer Docket Clerk

Planning Zoning

June Holmen, Secretary

RE: PETITION FOR VARIANCE Intersection of SE R/W of Dillon Hgts. Ave. with

1st District

: BEFORE THE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY Ramp D of Beltway I-695

ENTRY OF APPEARANCE

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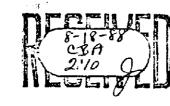
JOSEPH PRESCIMONE, Petitioner : Case No. 88-406-A

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 19th day of August, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. Joseph Prescimone, 1822 Arbutus Ave., Baltimore, MD 21227; Mr. David C. Mahan, 8 Woodland Ave., Severna Park, MD 21146; Mr. and Mrs. John H. Uhler, Jr., 1333 Dillon Heights Ave., Baltimore, MD 21228; and Ms. Joseph V. Gerberg, 6603 Johnnycake Rd., Baltimore, MD 21228.



Max Comeman

8/18/88 - Following notified of hear. set for Wed. Nov. 2, 1988, at 10 a.m.:

J. Prescimone John Mellema David Mahan Patrick Simon Guilford Hoff Mr. and Mrs. J. Uhler, Jr. Josephine Gerberg

People's Counsel D. Fields Armed father.
R. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk

CERTIFICATE OF POSTING

Location of property: INTER, OF RIW OF DILLON HEIGHTS AVE WITH BAMP DOF BELTWAY 7.695 Location of Signer SE/CER OF DILLON HEIGHTS & BELTWAY IN FRANT OF SUBJECT PROPERTY Date of return August 12-55

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

nccellin

August 3, 1988



Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance Intersection of SE R/W of Dillon Heights Avenue with Ramp D of Beltway I-695 1st Election District, 1st Councilmanic District JOSEPH PRESCIMONE - Petitioner Case No. 88-406-A

In response to your recent inquiry on the above-captioned case, please be advised that the correct deadline date for filing an appeal in this matter would have been on or about June 13, 1988. However, it has been brought to my attention that the Appellant, David Mahan, was incorrectly quoted a deadline date of June 21, 1988. Obviously this date was well in excess of the 30-day appeal period, however, we accepted his appeal in error.

If you have any further questions on the subject, please do not hesitate to contact me.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

cc: People's Counsel Case File 88-406-A

Petition for Zoning Variance Intersection of SE R/W of Dillon Heights Avenue with Ramp D of Beltway I-695 1st Election District - 1st Councilmanic District JOSEPH PRESCIMONE - Petitioner Case No. 88-406-A

Variance-Setbacks

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Plat to accompany Variance Petition Joseph Prescimone property

Protestant's Exhibits: 1.) Nine 3" x 5" photographs of location 2.) Petition signed by homeowners in surrounding area addressing objections

to the Zoning Variance.

Zoning Commissioner's Order dated May 13, 1988 (Denied) Notice of Appeal received June 21, 1988 from David C. Mahan

Joseph Prescimone, Petitioner 1822 Arbutus Ave., (21227)

6100 Balto. National Pike (21228)

Mr. David C. Mahan, 8 Woodland Avenue, Severna Park, Md. 21146

Mr. Patrick A. Simon, 6100 Baltimore National Pike, Balto., Md. 21228 Mr. Guilford E. Hoff, 5807 Hanna Road, Sykesville, Md. 21784

John C. Mellema, Sr., Inc. (Representative to be contacted)

Mr. & Mrs. John H. Uhler, Jr., 1333 Dillon Heights Avenue, Balto., Md. 21228

Ms. Josephine V. Gerberg, 6603 Johnnycake Road, Balto., Md. 21228 People's Counsel of Baltimore County Out pu 1). Mess "/38" Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning Jame. Hoswell, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clerk annex Jellen